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Notice of Allowability	Application No.	Applicant(s)	
	10/070,795	LIPP, FRIEDRICH	
	Examiner	Art Unit	
	Ted M. Wang	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2005.
2. ☒ The allowed claim(s) is/are 10-19 and 21-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10/26/2005</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Examiner's Statement

1. Applicants' amendments and arguments, filed on 10/11/2005, with respect to Claims 10-19 and 21-30 have been fully considered. The 35U.S.C. 103(a) rejection has been overcome by rewritten those objected dependent claim 20 in independent form including all of the limitations of the base claim and any intervening claims. None of the previously cited reference teaches the amended independent Claims 10, 16, and 24.

Examiner Amendments

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Michael Cornelison on October 26, 2005.

4. The application has been amended as follows:

In the specification:

- Page 12, line 31, change "35 and 35" to --- 34 and 35 ---.

In the claims:

- Claim 10, lines 23 and 27, change "and/or" to --- and optionally ---.
- Claim 16, lines 23 and 27, change "and/or" to --- and optionally ---.
- Claim 24, lines 23 and 27, change "and/or" to --- and optionally ---.

Allowable Subject Matter

5. Claims 10-19 and 21-30 are allowed.
6. The following is an examiner's statement of reasons for allowance.
 - The prior art fails to teach an apparatus/method of Claims 10, 16, and 24 that specifically comprises the following:
 - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,894,496, US 5,623,226, US 5,381,108, and US 6,466,628. The improvement comprises that -
 - With regard claim 10, "wherein the phase angle is not altered if the amount of the measured quadrature phase component is smaller than a predetermined limit value." as recited; and
 - With regard claim 16, "wherein the quadrature phase component of the complex input signal being applied has a value of zero, the measuring at the second measuring point behind the output of the second differential amplifier takes place at a beginning of every transmitting interval and the determining of the phase correction value comprises altering the phase angle by a step width in a first direction if the measured quadrature phase component is positive and altering the phase angle by a step width in an opposite direction if the measured quadrature phase component is negative." as recited; and

With regard claim 24," wherein prior to or concurrent with activating the transmitting device, the phase angle of the phase modifier is preliminarily adjusted such that an output power is measured at a power detector connected downstream of the power amplifier and the phase angle is pre-adjusted such that a minimum of the output results." as recited.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Ted M Wang

Examiner

Art Unit 2634

Ted M. Wang



STEPHEN CHIN
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2600